

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

John P. Ernst,

Plaintiff,

vs.

Valentine & Kebartas, Inc.,

Defendant.

Civil File No.: 11-cv-3461 (DWF/TNL)

**APPLICATION FOR ENTRY OF
DEFAULT**

APPLICATION TO CLERK FOR ENTRY OF DEFAULT

The Plaintiff in the above entitled action pursuant to Rule 55(a) of the Minnesota District Court Rules of Civil Procedure hereby makes application to the Clerk for Entry of Default for the Plaintiff against Defendant for failure of said Defendant to plead or otherwise defend.

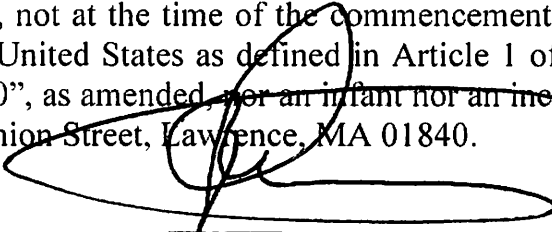
Said failure of said Defendant to plead or otherwise defend is set forth in the affidavit immediately following this application.

AFFIDAVIT AS TO COMPETENCY AND NON-MILITARY SERVICE

The undersigned, being duly sworn, upon oath deposes and says:

That the said Defendant is not now, not at the time of the commencement of this action was, in the Military Service of the United States as defined in Article 1 of the 'Soldiers and Sailors' Civil Relief Act of 1940", as amended, ~~nor an infant nor an incompetent~~, and presently conducts business at 15 Union Street, Lawrence, MA 01840.

Dated: January 13, 2012


Patrick L. Hayes, Esq.

Subscribed and sworn to before me
this 12th day of January 2012.


Notary Public

